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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,907	02/11/2004	Rens Hansort	092301-9011	3063

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EXAMINER

AMIRI, NAHID

ART UNIT PAPER NUMBER

3635

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/776,907

**Applicant(s)**

HANSORT, RENS

**Examiner**

Nahid Amiri

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>31 January 2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see exhibit</u> .                      |

## DETAILED ACTION

### Response to Amendment

In view of Applicant's Amendment received 31 January 2005, amendments to the claims have been entered. Claims 8, 20, and 22-28 canceled as requested. Claims 1-7, 9-19 and 21 are pending. An examination of these claims follows.

Claims 22-28 applicant is required to have an identifier "**canceled**" in order to cancel those claims.

### *Information Disclosure Statement*

The information disclosure statement (IDS) submitted on 31 January 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "**the weight of the anchor is reduced by 30%**" in claims 12 and 21 is a relative term which renders the claim indefinite. The term "30%" is a ratio which is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless –~~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-11 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application No. 0568934 A2 Zambelli.

In regard to claims 1-2, 13-14: Zambelli discloses the claimed invention Fig. 9, a concrete anchor including a rectangular shaped bar having a top and bottom and a first side and a second side having a downwardly projecting side face, an extending side face and an upwardly projecting side face, the bar having at least one attachment aperture (See attachment), a wedge shaped foot 41 at the bottom of the bar, a projection 4 integrally formed with bar positioned adjacent the second side of the bar and including an upwardly projecting top face 15 downwardly projecting bottom face, forwardly projecting front face and rearwardly projecting rear face.

In regard to claims 3-4: Zambelli discloses the claimed invention Fig. 9, the upwardly projecting top face 15 is one of the two upwardly projecting top faces 15 and 16, and the downwardly projecting bottom face is one of the two downwardly projecting bottom faces.

In regard to claim 5: Zambelli discloses the claimed invention Fig. 9, the top portion having a first channel 18, a platform 17, and a second channel 18.

In regard to claim 6: Zambelli discloses the claimed invention Fig. 9, the top of the bar having a first upwardly projecting face 15 and second upwardly projecting face 16.

In regard to claims 7, 15: Zambelli discloses the claimed invention Fig. 11, the second side of the rectangular shaped bar including a downwardly projecting side face (see attachment) and an extending side face, the extending side face forming at least a portion of the projection.

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In regard to claims 9, 18: Zambelli discloses the claimed invention Fig. 9, the bar including a crescent shaped indentation (see attachment) in the first side of the bar.

In regard to claims 10, 16: Zambelli discloses the claimed invention Fig. 9, the bar having a shear plate aperture (see attachment) defined in the bar and positioned adjacent the second side of the bar.

In regard to claim 11: Zambelli discloses the claimed invention Fig. 9, the projection includes a first side face and a second side face, the first side face at least partially defining at least one of a shear plate aperture and a passthrough aperture (see attachment), and the second side face at least partially defining the second side of the bar.

In regard to claim 17: Zambelli discloses the claimed invention Fig. 9, a sheer plate aperture defined in the bar and positioned adjacent the second side of the bar.

In regard to claim 19: Zambelli discloses the claimed invention Fig. 9, of the rectangular shaped bar includes a first channel 18, a platform face 17 and a second channel 18 to allow engagement of the rectangular shaped bar 40 with lifting handle 6.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zambelli.

In regard to claims 12, 21: Zambelli discloses the claimed invention except the at least one passthrough aperture is designed so that the weight of the anchor is reduced by at least 30%.

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It would have been an obvious matter of design choice to design at least one passthrough aperture such that to reduced the weight of anchor by 30% to make the anchor easier to transport.

***Response to Arguments***

Applicant's arguments with respect to claims 1-7, 9-19, and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,581,996 B1 Fromelius

US Patent No. 2,886,370 Liebert

US Patent No. 5,596,846 Kelly


US Patent No. 5,857,296 Niday et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Nahid Amiri  
Examiner  
Art Unit 3635  
April 28, 2005

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

